

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**MEOW CHU LIM,  
Plaintiff,**

**v.**

**Case No. 11-CV-0980**

**KHOR CHIN LIM,  
Defendant and  
Third-Party Plaintiff,**

**v.**

**TONETTE WALKER, et al.,  
Third-Party Defendants.**

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**DECISION AND ORDER**

On October 19, 2011, pro se respondent Khor Chin Lim removed this case from the Rock County Circuit Court in Wisconsin. On October 21, 2011, I ordered the case remanded to the state court because this court lacks jurisdiction. Respondent has now filed a motion for clarification and reconsideration of my order, and a motion asking me to recuse myself. Since I do not find any basis for recusal, I am denying that motion. I am also denying respondent's motion for reconsideration.

Respondent's sister filed a petition in the state court seeking a temporary restraining order and preliminary injunction against him because petitioner alleged that respondent was harassing her by contacting her employer. Respondent argues that this court has jurisdiction to hear this case on the basis of a federal question because he has raised a defense based on the First Amendment. However, as I noted before, it is petitioner's complaint that controls the exercise of this court's jurisdiction. See Louisville & N.R. Co.

v. Mottley, 211 U.S. 149, 152 (1908). Thus, respondent's affirmative defense under the First Amendment does not give this court federal question jurisdiction, and removal was improper.

I also re-affirm my finding that this is not the proper venue for this case. A defendant must remove a state court action "to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a). The Rock County Circuit Court is located in the Western District of Wisconsin.

**THEREFORE, IT IS ORDERED** that plaintiff's motions for recusal and to vacate the judgment [DOCKET #8] are **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff's motion for clarification and reconsideration [DOCKET #11] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 20th day of January 2012.

s/\_\_\_\_\_  
LYNN ADELMAN  
District Judge